

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION**

RAMON ARMAS BORROTO, JR.,

Plaintiff,

vs.

Case No. 5:04cv165-RH/WCS

**OFFICER L. McDONALD,
OFFICER H.A. PATE,
SERGEANT McKENZIE,
and NURSE DONNA KENT,**

Defendants.

_____ /

ORDER

This § 1983 prisoner civil rights case was remanded after the denial of Defendants' summary judgment motion.¹ Doc. 79. Although the special report process was utilized in this case, the parties were provided an additional period of time to demonstrate the need for further discovery prior to proceeding to trial.² Doc. 80. Both Plaintiff, doc. 82, and Defendants, doc. 81, have filed motions for further discovery.

¹ Summary judgment was denied because there was a genuine dispute of fact concerning Plaintiff's claim that Defendants violated his Eighth Amendment rights. Plaintiff's claims for damages based on emotional or mental injury were dismissed, however, leaving only requests for nominal and punitive damages.

² Plaintiff's amended complaint, doc. 19, includes a demand for a jury trial.

Plaintiff has moved for additional discovery and requests that Defendants produce several documents. Doc. 82. Permission to conduct this discovery will be granted. Documents already provided through the special report process need not be produced again but may simply be referenced by specific citation in the record.

Defendants seek additional discovery as well. Doc. 81. Defendants request permission to depose Plaintiff and another inmate, David Brooks, who is identified as Plaintiff's witness. Further, Defendants seek permission to serve Interrogatories upon Plaintiff. Defendants will be permitted to conduct this discovery. Plaintiff shall serve his responses to the Interrogatories on or before **December 6, 2006**. Plaintiff shall not file the responses with the Court. N.D. Fla. Loc. R. 26.2.

Accordingly, it is **ORDERED**:

1. Defendants' motion for discovery, doc. 81, and Plaintiff's motion for discovery, doc. 82, are **GRANTED**. The parties shall serve responses to these discovery requests on or before **December 6, 2006**. Defendants shall arrange for the two depositions to be taken prior to **January 12, 2007**.

2. The Clerk shall return this file to me on or before January 12, 2007.

DONE AND ORDERED on November 7, 2006.

s/ William C. Sherrill, Jr.
WILLIAM C. SHERRILL, JR.
UNITED STATES MAGISTRATE JUDGE